



RULES AND REGULATIONS
As required by Ohio Revised Code 517.06

OF

Plain Township Eby Cemetery

PURPOSE

These rules and regulations are designed for the protection of owners of interment and/or inurnment rights as a group. They are intended, not as restraining, but rather as preventing the inconsiderate from taking unfair advantage of others. Their enforcement will help protect the Plain Township Eby Cemetery and create and preserve its beauty. These rules and regulations are hereby adopted as the rules and regulations of the Plain Township Eby Cemetery, and all owners of interment or inurnment rights, visitors and contractors performing work within the Plain Township Eby Cemetery, shall be subject to said rules and regulation, amendments or alterations as shall be adopted by the Plain Township Board of Trustees from time to time, hereby superseding any and all previous Rules and Regulations.

DEFINITIONS

"Cemetery" shall mean not only the land and the improvements thereon, but Plain Township Board of Trustees its employees and duly authorized representatives.

"Owner" shall mean the owner of rights of interment or inurnment.

"Interment" shall mean burial of the remains of a deceased human being.

"Inurnment" shall mean the burial of cremated human remains.

"Memorial or Monument" shall mean any marker placed upon any lot for the purpose of identification or in memory of the interred.

"Burial Vault" shall mean an outside burial container as specified by the cemetery to incase human remains.

"Contractor" shall mean any person, firm or corporation or anyone other than an employee of the Cemetery engaged in placing erecting or repairing any memorial or monument and performing any work on the Cemetery grounds.

CEMETERY HOURS

The Plain Township Eby Cemetery is open from Dawn until Dusk Daily.

OWNERSHIP

Interment or Inurnment rights shall be used for no other purpose than the disposition of the human dead.

Upon refusal to permit interment or inurnment because of its requirements, the Plain Township Board of Trustees may at its discretion refuse to let anything be done in violation of said requirements.

SUPERVISION OF CEMETERY

The Plain Township Board of Trustees reserves the right to compel all persons coming into the Cemetery to obey all rules and regulations adopted by the Plain Township Board of Trustees.

These rules and regulations may be changed, without notice to any owner by the Plain Township Board of Trustees.

The Plain Township Board of Trustees shall take responsible precaution to protect owners and the property rights of owners within the Plain Township Eby Cemetery from loss or damage, but it distinctly disclaims all responsibility for loss or damage from causes beyond its reasonable control. The Plain Township Board of Trustees is not and shall not be liable for damage caused by elements, acts of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasion, insurrections, riots, or orders of any Military or civil authority, whether the damage be direct or collateral.

The Plain Township Board of Trustees reserves the right to correct any errors that may be made by it either in making interments, dis-interments, inurnments, dis-inurnments or removals, or in the inscriptions, transfer, or conveyance and substituting and conveying in lieu thereof other interment or inurnment rights of equal value and similar location as far as possible, or as may be selected by the Cemetery or, in the sole discretion of the Plain Township Board of Trustees, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment or inurnment of the remains of any person in such property, the Plain Township Board of Trustees reserves and shall have the right to remove and transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Plain Township Board of Trustees also have the right to correct any errors made by allowing the placement of an improper inscription, including an incorrect name or date on the memorial or monument. Upon correction, no further liability shall exist against the Plain Township Board of Trustees.

The rights to enlarge, reduce, replant or change the boundaries or grading of the Cemetery on a lot or grave, from time to time, including the right to modify or change the locations of or any part thereof to add, remove or re-grade walks or paths, is hereby expressly reserved by the Plain Township Board of Trustees. The Plain Township Board of Trustees reserves to itself and to those lawfully entitled thereto and those permitted by the Cemetery to do so, a perpetual right of ingress and egress over lots for passage to and from other lots.

SALE AND PURCHASE OF INTERMENT/INURNMENT RIGHTS

All interment and inurnment rights are sold subject to payment of the amount as kept by resolution for the area of the lot. All interment and inurnment rights shall be fully paid prior to their use.

The sale or transfer of any interment or inurnment right by any owner shall not be binding upon the Plain Township Board of Trustees unless same shall first be duly approved in writing by the Cemetery Sexton. The Cemetery Sexton shall issue a "Warranty Deed" or "Certificate of Ownership" per Ohio Revised Code 517.07 to the new Owner subject to the provisions of said deed or certificate. The same rule shall apply in all cases of assignment for interment or inurnment rights.

Any and all transfers of any interment or inurnment right, whether same be by conveyance or assignment are subject to all rules and regulations of the Plain Township Eby Cemetery, which are now in full force and effect or which may be hereafter adopted.

The subdivision of interment or inurnment right is not allowed without the consent of the Plain Township Board of Trustees and no one shall be buried in any lot or not having an interest therein, except by written consent of the Board of Trustees.

All work on lots or graves will be done by the employees of the Plain Township Board of Trustees under the direction of the Plain Township Cemetery Sexton, except when permission is otherwise granted. All grading, landscaping work, and improvements of any kind, and all care of lots or crypts and all plantings, trimmings, removals of trees, shrubs, and herbage of any kind and all openings of lots, all interments, inurnments, disinterment's and removals shall be made under the direction of the Cemetery Sexton.

No enclosure of any kind, such as a fence, coping, hedge or ditch, shall be permitted around any grave or lot. Grave mounds shall not be allowed, and no lot shall be raised above the established grade.

No interment or inurnment right can be sold, assigned, transferred, pledged or hypothecated without the written approval of the Cemetery Sexton.

The Plain Township Board of Trustees may exchange interment or inurnment rights, when desired by Owners. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by re-conveyance, if considered necessary by the Cemetery Sexton before any change is affected.

Each owner is vested with the ownership of his or her interment or inurnment right for the sole purpose of interment or inurnment of human dead bodies. Under the rules and regulations of the Cemetery, the interment and inurnment rights cannot be conveyed without the consent of the Plain Township Cemetery Sexton, nor any use, division or improvements of them be made which the Cemetery Sexton prohibits, or may deem improper. The Owner of interment or inurnment rights may dispose of same by will, subject to the foregoing conditions; If Owner dies in estate, the interment or inurnment rights will descend to his or her heirs according to law. The Plain Township Board of Trustees cannot be responsible for the carrying out of the intent of the grantor.

The general care of the entire Plain Township Eby Cemetery grounds and lots is assumed by the Plain Township Board of Trustees.

The Cemetery Sexton shall direct all improvements within the grounds and upon all lots and graves before, as well as, after interments have been made therein. They shall have charge of the planting, sodding, surveying and general improvements.

No person other than the proper employees of Plain Township shall be allowed to perform any work within the Cemetery unless directed by the Cemetery Sexton.

If any inscription or object is placed on any memorial, monument or other structure, and it is determined by the Plain Township Board of Trustees to be offensive, the Cemetery shall have the right to enter upon such lot to remove, change or correct the offensive inscription or object at the expense of the owner.

If any tree, shrub or plant standing upon any lot, by means of its roots, branches, or otherwise, becomes detrimental to adjacent lots avenues, or if for any other reason its removal is deemed necessary, the Cemetery shall have the right to remove such tree, shrub or plant, or any part thereof, or otherwise correct the condition existing as in their judgment seems best.

No person shall pluck or remove any plant or flower, either wild or cultivated from any part of the Cemetery.

BURIAL REGULATIONS

No interment or inurnment shall be made unless the opening and closing fee for such grave has been paid in advance.

The Cemetery Sexton reserves the right to compel all persons authorized to order the opening and closing of a grave, crypt or niche to appear at the cemetery more than 24 hours in advance of such interment or inurnment to select the desired grave or niche to be opened. In addition, the completion and execution of the cemeteries Interment, Inurnment Authorization form may be required.

No interment or entombment may take place at the Cemetery unless a burial permit for the deceased has first been presented to the Cemetery Sexton. The Cemetery Sexton will comply with the provisions of Section 3705.17 of the Ohio Revised Code.

Funeral processions, upon entering the grounds of the Plain Township Eby Cemetery shall be subject to the direction of the Cemetery Sexton or authorized employees of Plain Township.

The Cemetery Sexton must be notified of an impending interment or inurnment service no later than 12:00 noon of the prior business day. Notification of a Monday service must be received no later than 3:00 PM on the previous Friday.

Plain Township reserves the right to schedule interment or inurnment services according to the Township's availability of service times and needs.

Plain Township shall have the right to have the interment or inurnment service at the grave according to the Cemetery's schedule and current weather conditions.

When a removal is to be made from a single grave to another grave, the formerly occupied single grave space and all rights therein revert to the Owner thereof. If no steel or concrete vault has been used for this original interment one must be furnished by the person requesting the removal. If there is a steel or concrete vault and same is in a removable condition, charge for removal of vault must be paid in advance.

Application for disinterment or dis-inurnment must comply with the provisions of Section 517.23 of the Ohio Revised Code.

Any person desiring to remove a body from the grave space of another must present a written permit signed by the owner, the next of kin and himself to have such removal made. These shall remain on file in the office of the Cemetery Sexton. No such removal shall be made without the written consent of the Cemetery Sexton, and then only on such conditions as the Cemetery Sexton shall prescribe.

All human remains not cremated must be contained in a burial vault specified by the Cemetery Sexton prior to burial.

No grave space may contain more than two urns of cremated remains or one urn of cremated remains and one body.

The remains of any person who died of a contagious disease will not be permitted in or on the Cemetery grounds, except when placed in a hermetically sealed casket. In case of doubt on the part of the Cemetery Sexton as to the nature of the disease, satisfactory evidence from the attending physician or otherwise will be required.

All persons are reminded that the grounds are sacredly devoted to the burial of the dead and that the provisions and penalties of the law, as provided by statute, will be strictly enforced in all cases of wanton injury, disturbance and disregard of the rules and the laws of Ohio.

MODIFICATIONS AND AMENDMENTS

The Plain Township Board of Trustees may, and it hereby expressly reserves the right at all times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter and/or repeal any rule, regulation and/or article, section, paragraph and/or sentence in the Rules and Regulations.

Special cases may arise in which the literal enforcement of a rule may impose unnecessary hardship. The Plain Township Board of Trustees, therefore, reserves the right without notice, to make exceptions, suspensions or modifications in any of the Rules and Regulations, when in its judgment, the same appear advisable; and such temporary exceptions, suspensions or modifications shall in no way be construed as affecting the general application of these Rules and Regulations, or as creating any enforceable precedence.

GENERAL REGULATIONS

The existing rules for Plain Township Eby Cemetery and burials in Plain Township, Stark County, Ohio, are as follows:

1. Plain Township Eby Cemetery is open from dawn to dusk.
2. The Plain Township Trustees expressly reserves the right at all times, with or without notice to Owners, to adopt new rules and regulations, or to amend, alter, make exception and/or repeal any rule, regulation and/or section, paragraph/or sentence in the Rules and Regulations
3. No alcohol or illegal drugs of any kind will be allowed on the cemetery grounds.

DECORATIONS:

1. All decorations should be clear of cemetery maintenance.
2. All artificial, unsightly, and dead flowers and grave decorations must be removed from the grave by March 1st. No new flowers are to be placed until after April 1st to allow for spring clean-up.
3. No glass, ceramic, or other breakable containers are permitted in Plain Township Eby Cemetery.
4. No planting of anything that grows from root, vine, bulb, or seed.
5. Shepherd poles are not to exceed two tiers, must be placed beside or in the foundation, and shall not extend beyond the foundation. There is to be only one (1) pole per monument.
6. Any Holiday decorations, which do not sit on the monument or foundation, must be removed within 10 days following any Government or Religious Holiday or they will be discarded.
7. No winter grave blankets are to be placed until after the Thanksgiving Holiday to allow for winter preparation in the cemeteries.
8. Prior Plain Township approval must be granted to place stepping stones, concrete statues, or crosses.
9. All flower saddles must have grave names on them in the event they are blown off by wind.
10. Plain Township is not responsible for items placed on any grave lot.
11. All burials must have a vault of adequate structure to support fill and cemetery equipment. Only metal reinforced concrete and metal reinforced fiberglass vaults are acceptable.
12. Vaults with flat lids are not permitted in Plain Township Eby Cemetery.
13. Pet burials are not permitted.
14. Plain Township must be notified by noon on Friday for a Monday a.m. (or Tuesday a.m. burial after a holiday falls on a Monday) burial or the Saturday rate will apply.
15. Funerals should be within cemetery grounds prior to 3 pm weekdays and 1 pm on Saturdays to allow for a timely closing of the grave.
16. No burials on Sundays or holidays.

17. Plain Township reserves the right to re-schedule burial services if weather conditions warrant, such as severe weather, heavy snow storms, or subzero temperatures.
18. The grave on which a burial is taking place must be paid for prior to the time of the burial.
19. Burial Fee must be paid for prior to the time of burial.
20. Burial permit must be given to the Cemetery Sexton prior to the time of burial.
21. Indigent Burials – See Indigent Cremation Policy and Procedure per Resolution No. 14-561
22. All stones must have a foundation. Foundation orders placed by monument companies must be paid for prior to stone being set; all other foundation orders must be prepaid.
23. Graves must be paid for prior to the time of foundation pouring.
24. No stone or cement ledger monuments permitted.
25. Plain Township crews must pour all foundations and reserves the right to join foundations.
26. Foundations will be poured April through September – weather permitting.
27. All stones shall be facing east west to allow for cemetery maintenance.
28. Foundations will not be poured that are longer than the width of the grave or graves owned by the individual.
29. Foundations will not be poured whose width will later obstruct the installation of a vault, either on that grave or on surrounding graves.
30. Foundation fee of \$500 per grave and extend the entire allotted area.
31. Grave markers must be flat.
32. Plain Township is not responsible for weather related stone damage.
33. Policy on Repair or Replacement of Damaged Tombstones – When a tombstone(s) has been damaged by a specific occurrence, and the family cannot be contacted to arrange for repair or replacement, the cemetery sexton will determine the cost of repairs, and if that cost exceeds the cost of a (10” to 12” x 20” to 24” x 4”) grasser monument, then the township will install a grasser(s).
34. Foundations for veterans’ plaques will be provided and installed free of charge. Note: Plaques to be installed on the back of a monument must be handled by a monument company and cost is the responsibility of the party having the plaque installed.
35. Transfers in ownership of unused cemetery graves will be valid only when recorded by the Fiscal Officer in the Township’s cemetery deed books. Transfers of ownership can be made only to immediate family members. No unused grave(s) can be sold to anyone other than the Township. The sellback price would be one half (50%) of the current selling price or the original purchase price, whichever is greater. Since Plain Township Trustees have no records of the cemetery prior to the township owning the cemetery, we are unable to guarantee no human remains are buried there. If remains are discovered while preparing the grave(s) for burial, it will be your responsibility to purchase additional grave(s), if needed.
36. The Trustees reserve the right to limit the number of graves sold per family.
37. Schedule of fees – See Cemetery Rates.

38. Residency Requirements: The following residency requirements shall apply with regard to the issuance of deeds to grave(s); A person shall be deemed a “resident” of Plain Township if that person is eligible, by reason of actual place of primary abode, to be an “elector” of Plain Township. A person shall be deemed a “non-resident” of Plain Township if that person is not eligible, by reason of actual place of primary abode, to be an “elector” of Plain Township.
39. The actual residency status of the person(s) in whose name(s) the deed of grave(s) is to be issued shall determine the “resident” or “non-resident” fee to be charged. No deed to grave(s) shall be issued in the name of both “resident(s)” and “non-resident(s)”.
40. Residency shall be determined at the time of the original issuance of deed(s) or subsequent transfers as may be applicable.
41. No dogs or pets of any kind allowed in Plain Township Cemetery except for helper dogs.
42. No vehicles permitted except for those engaged in cemetery functions.
43. All Cemetery Rates and Rules are subject to change.
44. A fee of \$40.00 will be applied to any returned check.